

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA,

v.

**LUIS ALFREDO HENRIQUEZ-
CARCAMO**

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§ **CASE NUMBER 6:15-CR-00060-01-RC**

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**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On December 6, 2017, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Luis Alfredo Henriquez-Carcamo. The government was represented by Allen Hurst, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Wayne Dickey.

Defendant originally pled guilty to the offense of Criminal Alien Found Unlawfully Present in the United States After Deportation, a Class C felony. The offense carried maximum imprisonment term of 20 years. The United Sentencing Guideline range, based on a total offense level of 10 and a criminal history category of II, was 8 to 14 months. On July 26, 2016, District Judge Michael H. Schneider sentenced Defendant to time served and three years of supervised release subject to the standard conditions of release, plus special conditions to include deportation proceeding and financial disclosure. On July 26, 2016, Defendant completed his period of imprisonment and began service of the supervision term. He was deported to El Salvador on September 9, 2016.

Under the terms of supervised release, Defendant was required to not commit another federal, state, or local crime. In its petition, the government alleges that Defendant violated his

conditions of supervised release when he was detained by ICE for the offense of Illegal Reentry After Removal on September, 25, 2017 and when he was arrested for the offense of Theft <\$100 on September 24, 2017, a Grade C misdemeanor.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release when and when he was detained by ICE for Illegal Reentry after Removal on September, 25, 2017, Defendant will have committed a Grade B violation. U.S.S.G. §7B1.1(a). Upon a finding of a Grade B violation, the Court may revoke probation or supervised release. U.S.S.G. § 7B1.3(a)(1). Considering Defendant's criminal history category of II, the Guideline imprisonment range for a Grade B violation is 6 to 12 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the condition of supervised release referenced above by committing the acts as alleged in the government's petition. In exchange, the government agreed to recommend to the Court a sentence of 12 months with credit for time served from September 25, 2017 with 1 year of supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Luis Alfredo Henriquez-Carcamo be committed to the custody of the Bureau of Prisons for a term of imprisonment of 12 months with credit for time served from September 25, 2017 with 1 year of supervised release to follow. The Court **FURTHER RECOMMENDS** that the place of confinement be Seagoville, Texas, if available, in order to facilitate family visitation.

So ORDERED and SIGNED this 6th day of December, 2017.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE